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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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ZooBuh, Inc., a Utah corporation,

Plaintiff,

v.

Better Broadcasting, LLC, a Utah limited liability company; IONO Interactive, a company doing business in Utah; Does 1-40,

Defendants.

MEMORANDUM DECISION AND ORDER  
DEEMING MOTION MOOT

Case No. 2:11-cv-00516 DN

District Judge David Nuffer

Magistrate Judge Brooke Wells

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Previously the court entered an order granting Plaintiff Zoobuh, Inc.’s (Zoobuh) motion to compel compliance with subpoena to the Bank of Utah.<sup>1</sup> In that same order the court took under advisement Zoobuh’s motion to compel compliance with the subpoena to MSupport. To help resolve that motion MSupport was ordered to “search for documents that are responsive and provide to the court and Zoobuh an accounting of the material that is responsive”<sup>2</sup> and if necessary, to “file a detailed privilege log.”<sup>3</sup> Both MSupport and Zoobuh were ordered to “meet and confer regarding the responsive materials” and then “notify the court” about their dispute.

On June 19, 2017 MSupport filed a status report about the pending motion.<sup>4</sup> MSupport states:

On May 25, 2017, MSupport, through counsel provided information to Zoobuh, Inc., that it has conducted a search for relevant documents relating to the requests issued to it to determine what documents, if any, might be responsive. . . . MSupport reported to Zoobuh that it was unable to locate any documents during

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<sup>1</sup> Memorandum Decision and Order dated April 24, 2017, docket no. 88.

<sup>2</sup> *Id.* p. 8.

<sup>3</sup> *Id.*

<sup>4</sup> Docket no. 90.

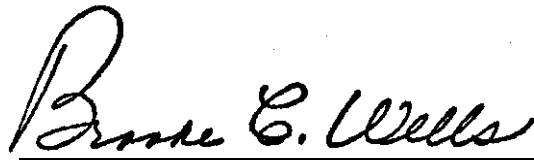
the time frame (or from any other time frame) referenced by the Court concerning the only defendants in the matter, which included Better Broadcasting, Expression Media, and IONO. Likewise, MSupport reported that after an extensive search of the existing records, it was unable to locate documents that reference or refer to Winterton Properties for the time frame that was modified by the court in its order of April 24, 2017. However, MSupport did find some brief notations to Veracity accounts correlating to documents likely obtained by Zoobuh from the Bank of Utah, and those records were subsequently produced to Zoobuh.<sup>5</sup>

Based upon this report and the fact that there has been no additional response by Zoobuh filed with the court,<sup>6</sup> it appears the motion has now been resolved.

Accordingly, the court deems Zoobuh's Motion to Compel Compliance with Subpoena to MSupport MOOT.

IT IS SO ORDERED.

DATED this 5 July 2017.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is fluid and cursive, with the first name "Brooke" being more prominent and the last name "Wells" following in a similar style.

Brooke C. Wells  
United States Magistrate Judge

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<sup>5</sup> Status Report p. 1-2, docket no. 90.

<sup>6</sup> The parties were ordered to "meet and confer" concerning the motion and the materials provided and then notify the court. The court presumes that Zoobuh is in agreement with the status report because it has not filed anything additional with the court since the status report was filed on June 19th.